

CITY COUNCIL AGENDA

NOVEMBER 4, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: Williams (excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: Williams (excused)

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 10)**
Pioneer High School choir delivered the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring the week of November 16-22, 2003 as Hunger and Homelessness Awareness Week in the City of San José. (Housing)
Mayor Gonzales was joined at the podium by Director of Housing Leslye Corsiglia Emergency Housing Consortium President and CEO Barry Del Buono, Executive Director of InnVision Christine Burrows, and Executive Director of San José Family Shelter Trish Crowder to recognize November 16-22, 2003 as Hunger and Homeless Awareness Week and to present a proclamation to the City of San José Housing Department for their assistance in helping to house and provide shelter for the homeless community of San José. Director Corsiglia thanked the Mayor and Council for their proclamation and addressed the City's Homeless Strategy to continue developing the assistance needed for homelessness issues and to help raise awareness amongst the community.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Don Johnson for his dedicated service to the community through providing outstanding junior tennis programs and teaching life skills to the youth of the City of San José. (Williams)
(Rules Committee referral 10/29/03)

Heard with Item 1.3.

- 1.3 Presentation of a commendation to Siebel Open/Silicon Valley Sports & Entertainment for its continuing generous contributions to the City of San José through community service, charitable giving, and sponsorship of junior tennis programs for our community's youth. (Williams)
(Rules Committee referral 10/29/03)

Council Member Chavez joined Mayor Gonzales at the podium to present a commendation to Don Johnson for his contributions to the youth of San José and the community. Don Johnson thanked the Mayor and Council for their commendation and acknowledged the number of students he taught over the years and for their participation within the program. Mayor Gonzales and Council Member Chavez also presented a commendation to Siebel Open/Silicon Valley Sports & Entertainment and the members who participated in their event; Greg Jamison, Kent Russel, Barry McKay, Bill Rapp, Tony Silveira, Jim Sporraco, and Chip Moreland. Greg Jamison thanked the City of San José for their assistance in helping to make the Siebel Open such a success and thanked the Council for their continued support.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of May 27, 2003
- (b) Regular meeting of June 3, 2003
- (c) San José Parking Authority meeting of June 3, 2003
- (d) Adjourned regular meeting of June 9, 2003
- (e) Regular meeting of June 10, 2003

Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27000 – Amends Title 25 of the San José Municipal Code by adding a new Chapter 25.03 to amend and restate the curfew hours and aircraft restrictions provisions of the Norman Y. Mineta San José International Airport Noise Control Program.

Dropped – Adopted 10/21/03.

- (b) ORD. NO. 27002 – Prezones certain real property situated on the east side of Wabash Avenue, approximately 80 feet northerly of Olive Street (105 Wabash Avenue) to R-1-8 Residence Zoning District. C 03-065

Ordinance No. 27002 adopted.

- (c) ORD. NO. 27003 – Rezones certain real property situated on the northwestern corner of East Capitol Expressway and McLaughlin Avenue to CN Commercial Neighborhood Zoning District. C 03-074

Ordinance No. 27003 adopted.

- (d) ORD. NO. 27004 – Rezones certain real property situated on the south side of Taylor Street, approximately 70 feet westerly of Myrtle Street to CO Commercial Office Zoning District. C 03-077

Ordinance No. 27004 adopted.

- (e) ORD. NO. 27005 - Rezones certain real property situated on the west side of Senter Road, approximately 100 feet northwesterly of Pocatello Drive to CN Neighborhood Commercial Zoning District. C 03-067

Ordinance No. 27005 adopted.

- (f) ORD. NO. 27006 - Prezones certain real property situated on the east side of Ruby Avenue, 250 feet northerly of Murillo Avenue to A(PD) Planned Development Zoning District. PDC 02-047

Ordinance No. 27006 adopted.

- (g) ORD. NO. 27007 – Amends Section 4.20.080 of Chapter 4.20 of Title 4 of the San José Municipal Code to allow for the private sale of City property for economic development.

Ordinance No. 27007 adopted.

2 CONSENT CALENDAR

2.3 Approval to create, change, and delete various job classifications.

Recommendation: Adoption of a resolution to:

- (a) Create the following job classifications:
 - (1) Investigator Collector II (1273).
 - (2) Animal Shelter Veterinarian (3255).
 - (3) Events Coordinator I (6330) and (6340) PT.
 - (4) Section Manager, CAE (1641).
- (b) Change the job classification titles of:
 - (1) Investigator Collector (1272) to Investigator Collector I (1272).
 - (2) Arts Program Officer (6313) to Sr. Arts Programs Coordinator (6313).
 - (3) Events Coordinator (6332) and (6333) PT to Events Coordinator II (6332) and (6333) PT.
 - (4) Management Intern U (1626) to Management Fellow U (1626).
- (c) Change salary ranges for the classifications of:
 - (1) Investigator Collector (1272).
 - (2) Sr. Investigator Collector (1274).
 - (3) Sr. Events Coordinator (6336).
 - (4) Events Coordinator (6332) and (6333) PT.
 - (5) Arts Programs Coordinator (6311).
 - (6) Operations Manager (3776).
- (d) Delete various job classifications:
 - (1) Associate Building Project Specialist (3847).
 - (2) Associate Electrical Engineer (3823).
 - (3) Associate Sanitary Engineer (5237).
 - (4) Deputy Director (1644).
 - (5) Deputy Director Public Works (3863).
 - (6) Librarian I Specialist (7231).
 - (7) Librarian II Specialist (7233).
 - (8) Plan Check Engineer (3952).
 - (9) Planning Intern PT (4117).
 - (10) Research Attorney SII (2117).
 - (11) Senior Electrical Engineer (3824).
 - (12) Senior Sanitary Engineer (5233).
 - (13) Chief of Operations & Maintenance (6339).
 - (14) Library Assistant Specialist (7221).
 - (15) Downtown Promotion & Events Officer (6315).
 - (16) Downtown Promotion & Events Director (6314).
 - (17) Arts Program Director (6312).
 - (18) Event & Technical Services Supervisor (6341).

CEQA: Not a Project. (Employee Services)

Resolution No. 71804 adopted.

2 CONSENT CALENDAR

2.4 Approval to accept a donation from the Friends of Willow Glen for collection enhancements.

Recommendation: Adoption of a resolution accepting a donation from the Friends of Willow Glen for collection enhancement in the amount of \$5,700. CEQA: Not a Project. (Library)

Resolution No. 71805 adopted.

2.5 Approval of actions related to the annexation of McKee No. 120.

Recommendation: Adoption of a resolution initiating proceedings and setting November 18, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as McKee No. 120 which involves the annexation to the City of San José of 5.37 acres of land, more or less, consisting of three parcels totaling approximately 4.80 acres and a portion of Hyland Avenue totaling approximately 0.57 acre, located at Hyland Avenue between Marian Lane and Maro Drive, and adjacent to the City of San José annexation McKee No. 91, and the detachment of the same from Santa Clara County Lighting District, Santa Clara (Library Services) County Service, Area No. 01 and the Library Benefit Assessment County Service Area No. 01. CEQA: Mitigated Negative Declaration, PDC 01-082. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 71806 adopted.

2.6 Approval of actions related to the annexation of Winchester No. 39.

Recommendation: Adoption of a resolution initiating proceedings and setting November 18, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Winchester No. 39 which involves the annexation to the City of San José of 0.16 acre of land, located on the west side of Henry Avenue, approximately 380 feet southerly of Stevens Creek Boulevard and generally bounded by the City of San José Annexation Winchester No. 6, and the detachment of the same from the appropriate special districts including: Central Fire Protection, West Valley Sanitation District, Santa Clara County Lighting Service Area, and the County Service Area No. 1 (County Library Services Area). CEQA: Exempt, Winchester No. 39. Council District 1. (Planning, Building and Code Enforcement)

Resolution No. 71807 adopted.

2.7 Approval to award a contract for the Doerr Park Youth Lot Renovation Project.

Recommendation: Report on bids and award of contract for the Doerr Park Youth Lot Renovation Project to the low bidder, Robert A. Bothman, Inc., in the amount of \$136,937, and approval of a contingency in the amount of \$7,000. CEQA: Exempt, PP03-05-078. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2 CONSENT CALENDAR

2.8 Approval of special streetlighting design standards for the Communications Hill Planned Community.

Recommendation: Adoption of a resolution amending Resolution No. 63396 adopted on December 10, 1991, which sets streetlighting standards for new development, to provide for special streetlighting design standards for the Communications Hill Planned Community. CEQA: Resolution Nos. 63624 and 70194, PP03-09-306. Council District 7. (Public Works)

Resolution No. 71808 adopted.

2.9 Approval of a contract for the Edenvale Garden Park Perimeter Fencing Project.

Recommendation: Report on bids and award of contract for the Edenvale Garden Park Perimeter Fencing Project to the lowest responsive bidder, Central Fence Co., to include the base bid and Add Alternate No. 1 in the amount of \$119,500, and approval of a contingency in the amount of \$6,000. CEQA: Negative Declaration, PP90-03-078. Council District 2. (Public Works)
(Deferred from 10/28/03 – Item 2.9)

Approved.

2.10 Approval of agreements related to the donation of frontage within Towers Lane.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) Eleven agreements with the owners of real property on Towers Lane for the donation of frontage within Towers Lane.
 - (b) A Joint Use Agreement with Pacific Gas and Electric to relocate all utilities, easements, and poles within the newly created right of way within Towers Lane.
- CEQA: Exempt, PP02-03-046. Council District: 7. SNI: W. Evergreen. (Public Works)

(Rules Committee referral 10/29/03)

Resolution No. 71809 adopted.

2.11 Approval of the Zone I Fire Protection Agreement with the Santa Clara County Central Fire Protection District.

Recommendation: Approval of the eleventh amendment to the Zone I Fire Protection Agreement with the Santa Clara County Central Fire Protection District (Central Fire), extending the term of the agreement until June 30, 2004, at no cost to the City over the revenue received under the agreement. CEQA: Not a Project. (Fire)
(Order of the Day)

Approved.

2 CONSENT CALENDAR

2.12 Appointments to the Healthy Neighborhood Venture Fund (HNVF) Advisory Committee.

Recommendation: Approval of appointments to the HNVF Advisory Committee.
(Mayor)
(Rules Committee referral 10/29/03)
Deferred to 11/18/03.

2.13 Approval of an agreement related to Los Lagos Golf Course.

Recommendation: Approval of the first amendment to the Operations and Maintenance Agreement between the City of San José and Los Lagos Golf Course, LLC to provide a mechanism for the golf course operator to manage immediate delivery of a netting project for the course at no additional cost or extended time to the term of the agreement.
CEQA: Resolution No. 69623, PP03-10-312. Council District 7. (Parks, Recreation and Neighborhood Services)
(Orders of the Day)
Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

- (a) May 14, 2003 - Proposed 2003-2004 Operating Budget
- (b) May 15, 2003 - Proposed 2003-2004 Operating Budget
- (c) May 16, 2003 - Proposed 2003-2004 Operating Budget
- (d) May 12, 2003 – Proposed 2003 – 2004 Operating Budget

The Reports of the Study Session for May 12, 14, 15, and 16, 2003 were approved.

3.2 Report of the Rules Committee – October 22, 2003

Vice Mayor Dando, Chair

Meeting of October 22, 2003

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review November 4, 2003 Draft Agenda

The Committee recommended approval of the November 4, 2003 City Council agenda.

- (2) Add New Items to October 28, 2003 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests

The Committee recommended two additions to the October 28, 2003 City Council agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 22, 2003 (Cont'd) Vice Mayor Dando, Chair

- (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing three staff reports outstanding for the October 28, 2003 Council agenda.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
 - (a) Federal Lobbyist Monthly Report
In anticipation of upcoming Council legislative priorities study sessions, the Committee urged the Administration to include City lobbyist , local legislators, and community groups in the discussions. The Committee accepted the August-September 2003 Federal Lobbyist Report from Patton Boggs, LLP.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
There were none.
- (h) Oral communications
The Committee directed the City Clerk to place a request from Pete Campbell regarding selection of the Redevelopment Agency Director on next week's Rules Committee agenda.
- (i) Adjournment
The meeting adjourned at 2:30 P.M.

Meeting of October 29, 2003

- (g) Rules Committee Review, Recommendations and Approvals
 - (1) Proposal for posting high-risk sex offender data on the San José Police Department web-site
See Item 3.5 for Council Action taken

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee
Council Member Campos, Chair
No Report.**

- 3.4 Approval of an agreement for an Owner Controlled Insurance Program at the Airport.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Lamberson Koster & Company, a wholly owned subsidiary of Arthur J. Gallagher & Company, dba Gallagher Construction Services, to provide insurance broker services for an Owner Controlled Insurance Program for the Airport Master Plan projects, including security improvements to be constructed at the Norman Y. Mineta San José International Airport for the upcoming three to five year period, in an amount not to exceed \$1,575,000, for a period of three years, with two one-year options for extension. CEQA: Resolution Nos. 67380 and 71451, PP03-10-317. (Finance/Airport)
(Deferred from 10/28/03 – Item 3.4)

Resolution No. 71810 adopted.

- 3.5 Approval and direction to post specified information on high-risk sex offenders residing in San José on the San José Police Department website.**

Recommendation: Approval and direction to the Police Department to post specified information on high-risk sex offenders residing in San José on the San José Police Department website. CEQA: Not a Project. (Police)
[Rules Committee referral 10/29/03 – Item 3.2(g)(1)]

Memorandum from Mayor Gonzales and Vice Mayor Dando, dated October 31, 2003, recommending the approval of posting information on registered “high risk” sex offenders living in San José on the San José Police Department website as outlined in the staff report was approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee – October 20, 2003
Council Member Chavez, Chair**

- (a) Community Preservation Ordinance Review

- Single-Family Units
- Multi-Family Units – 1 year to 3 year comparison

The Committee accepted the Community Preservation Ordinance Update.

- (b) Review Policies Related to City Parks and Open Space

The Committee accepted the Policies related to City Parks and Open Space Report, with direction to Staff to include in the next update:

- Define the parameters of an agreement for a starting point (general framework)
- Update an open space that is actually out there.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – October 20, 2003 (Cont'd) Council Member Chavez, Chair

- (c) Discussion of Strategies for Strong Neighborhoods Initiative (SNI) and Neighborhood Development Center (NDC) Outreach
This was an informational report and no formal action was taken.
- (d) Review and Input on the proposed Airport Neighborhood Services Group Workplan
This was an informational report and no formal action was taken.
- (e) Oral petitions
None.
- (f) Adjournment
The meeting adjourned at 3:35 P.M.

The Building Strong Neighborhoods Committee Report and Actions of October 20, 2003 were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

4.3 Acceptance of the City Manager's report on Getting Families Back To Work.

Recommendation:

- (a) Approve the following recommendations for items discussed in Section B of this report:
 - (1) Accept staff's proposal on criteria factors and proposed methods for refunding fees when deadlines are missed;
 - (2) Implement tax relief to encourage investment in San Jose as outlined in staff's report on the Special Tenant Improvement Program, and approved by Council on October 28, 2003 (see Council Agenda, Item 4.5), and direct staff to return by December 16, 2003 with an assessment of the fiscal impact of a 50% reduction in the Construction Excise Tax for Driving Industries;
 - (3) Report to Council in 90 days with recommendations to revise the City Employee Suggestion Award Program to one that focuses on both revenue generating and cost saving ideas, including a fiscal impact analysis; and,
 - (4) Integrate City and redevelopment functions into a "One Voice" structure, including changes in reporting relationships.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Acceptance of the City Manager's report on Getting Families Back To Work. (Cont'd)

Recommendation:

(b) Approve the following recommendations for items discussed in Section C of this report:

- (1) Present to Council for consideration Design Guidelines for the Downtown Core on November 18, 2003;
- (2) Accept staff's list of identified current regulations that may hinder business development or operations and report on progress in March 2004;
- (3) Direct the use of multiple-prime contractors as the project delivery method to be used on those projects where it is the most efficient and effective method of delivering a project on time and on budget.

CEQA: Not a Project. (City Manager's Office)

Staff's recommendations were approved with the following changes:

- 1) To report back on how to encourage greater housing density in the downtown core in particular and if it adheres to the November timeline.
- 2) To ensure all financial analysis incorporates how much money will be moved and from what "pot" pertaining to all future analyses.
- 3) To incorporate reports back at least twice and to incorporate customer feedback within the CISCO process. The responsibility for the process to stay with the City Manager.
- 4) To focus on the role of the Downtown and would stay and highlight the neighborhood business districts.
- 5) To ensure the merger of the planning functions continue to move forward.
- 6) To return to Council with a fiscal analysis on the small business relief for the 3000 sq. ft that was inadvertently dropped.
- 7) To continue the further exploration of Planned Development Zoning and Planned Development Permit mergers be reviewed with the caveat that they incorporate the Council and still contain the community outreach component.
- 8) Regarding Attachment B, all future attachments like this shall include the guidelines that determine what is considered business friendly and not business friendly, therefore, Council did not accept the current list but requested the guidelines return to Council as part of future feedback.
- 9) To assess city fees for events and to evaluate the possibilities for a tiered structure based on Small vs. Large and Non-profit vs. For-profit events.
- 10) To assess the billing practices and to create a protocol in which the City departments create timely invoices explaining all charges.
- 11) To explore ways in which the City can improve event evaluations.
- 12) To improve the grant process for special events using feedback from event stakeholders.
- 13) To implement incentives to help increase the quantity and quality of events in San José.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Acceptance of the City Manager's report on Getting Families Back To Work. (Cont'd)

Recommendation:

(b) Approve the following recommendations for items discussed in Section C of this report:

- (1) Present to Council for consideration Design Guidelines for the Downtown Core on November 18, 2003;
- (2) Accept staff's list of identified current regulations that may hinder business development or operations and report on progress in March 2004;
- (3) Direct the use of multiple-prime contractors as the project delivery method to be used on those projects where it is the most efficient and effective method of delivering a project on time and on budget.

CEQA: Not a Project. (City Manager's Office)

In addition, Direction for Council to determine a time in January 2004 to incorporate a study session discussing the future of the Redevelopment Agency and a direction for Staff to include all requests for information made by individual Council Members and be delivered to all Council Members individually.

4.4 Approval of revisions to the form Facility Use Agreement for Convention and Cultural Facilities.

Recommendation: Adoption of a resolution approving revisions to the form Facility Use Agreement between clients of Convention and Cultural Facilities and the City.

CEQA: Not a Project. Council District 3. (Conventions, Arts and Entertainment)

Resolution No. 71811 adopted.

4.5 Public Hearing and adoption of a resolution approving the vacation of a cul-de-sac at Crucero Drive.

Recommendation: Public Hearing and adoption of a resolution approving the vacation of a cul-de-sac at Crucero Drive and a public service easement. CEQA: Exempt, HA62-062. Council District 7. SNI: Santee. (Public Works)

The Public Hearing was held and Resolution No. 71812 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of actions related to the Almaden Family Apartments Development.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Almaden Family Apartments Project) Series 2003D" in an aggregate principal amount not to exceed \$31,300,000 (the "Bonds");
- (b) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Official Statement, Bond Purchase Agreement, Remarketing Agreement, Mortgage Note, LITHC Agreement, Assignment and Inter-creditor Agreement, Subordinate Trust Indenture, Subordinate Loan Agreement and other related documents;
- (c) Approving a loan of bond proceeds to Almaden Family Housing Partners, L.P., a California limited partnership, for financing the construction of Almaden Family Apartments to be located at 1525-1541 Almaden Road;
- (d) Authorizing the issuance of subordinate tax-exempt refunding bonds at the time of completion of the Project in an amount not-to-exceed \$5 million;
- (e) Approving in substantially final form the Subordinate Refunding Bonds, Subordinate Trust Indenture, Subordinate Loan Agreement, and the Forward Bond Purchase Agreement; and
- (f) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Negative Declaration, PDCSH98-089. Council District 7. (Finance/ Housing)
(Deferred from 10/28/03 – Item 4.3)

Resolution No. 71813 adopted.

4.7 Approval of actions to establish funding for the preparation of the Evergreen Community Plan, update of the Evergreen Area Development Policy, and related environmental documents.

Recommendation: Approval of actions to establish funding for the preparation of the Evergreen Community Plan, update of the Evergreen Area Development Policy, and related environmental documents:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a funding agreement with Yerba Buena Opco, Inc. for the work associated with the preparation of the Evergreen Smart Growth Strategy, Evergreen Area Development Policy update, and related environmental documents in an amount of approximately \$8.8 million, for a term from November 4, 2003 to June 30, 2005; and delegate the authority of approving minor amendments to the funding agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Yerba Buena Opco, Inc. and minor schedule or task changes that remain consistent with the information contained in and the goals identified in this memorandum, and delegate to the Director the authority to extend the term of the agreement for up to 18 months. **(Cont'd)**

Resolution No. 71814 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of actions to establish funding for the preparation of the Evergreen Community Plan, update of the Evergreen Area Development Policy, and related environmental documents. (Cont'd)

Recommendation: Approval of actions to establish funding for the preparation of the Evergreen Community Plan, update of the Evergreen Area Development Policy, and related environmental documents:

- (b) Adoption of 2003-2004 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund as follows:
 - (1) Establish a City-Wide expenditure for the Evergreen Smart Growth Strategy in the total amount of \$235,590 for November 2003 through June 2004; and
 - (2) Increase earned revenue from Other Revenue by \$235,590.

Ordinance No. 27009 adopted.

Resolution No. 71815 adopted.

- (c) Authorize the creation and filling of a temporary 1.0 FTE Senior Planner position through June 2005 to complete the Evergreen Smart Growth Strategy, update of the Evergreen Area Development Policy, and related environmental documents.

Council District 8. SNI Area: KONA and West Evergreen. CEQA: Exempt, PP03-10-349. (Cortese)

(Rules Committee referral 10/29/03)

Approved.

4.8 Discussion and direction on an ordinance relating to a local preference in the procurement of contracts.

Recommendation: Discussion and direction on an ordinance relating to a local preference in the procurement of contracts. (City Attorney's Office)

(Rules Committee referral 10/29/03)

Direction for Staff to: (1) Re-examine the issues pertaining to credit percentages and reevaluate the increase to a 5% credit percentage. (2) To re-examine the local goods purchases. (3) Ensure further examination regarding local preference above \$100,000 as it relates to other cities and materials completed by the City Attorney to be routed to Council for further evaluation. (4) All matters be reviewed by the Small Business Commission. (5) Direction for the City Attorney to examine ways in which Council can dispense with large umbrella-type consulting contracts.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.9 Approval of policy regarding prequalification of contractors on public works projects.

Recommendation:

- (a) Adoption of a resolution implementing a policy and appeal procedures for the prequalification of contractors on public works projects.

Resolution No. 71816 adopted.

- (b) Direction to the Department of Public Works to return in a year with a status report regarding prequalification and recommendations on whether to continue and/or modify the prequalification policy and appeal procedures.

(City Attorney's Office)

Direction for Staff to: (1) Ensure training and local offices be incorporated into the points-for-evaluation pertaining to pre-qualification. (2) Ensure the threshold of between \$5 Million and \$10 Million dollar projects are used and upon their report back to Council and include the reasoning as to why pre-qualification was or was not used. (3) Ensure the recommendations are brought forth to the Small Business Commission.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair No Report.

6.2 Approval of actions related to the City's Parking Citation Processing and Collection Services.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute a one-year agreement with 4 one-year options to renew with Turbo Data Systems for the City's parking citation processing and collection services, with a total first year compensation not to exceed \$500,000;
- (b) Execute change orders in a total amount not to exceed \$50,000 to cover any unanticipated increase in the volume of parking citations and related transactions; and
- (c) Execute each of the options to renew without further City Council action other than the appropriation of necessary funding.

CEQA: Not a Project. (General Services/Transportation)

Resolution No. 71817 adopted.

6 TRANSPORTATION SERVICES

6.3 Approval to establish a residential permit parking zone in the Santana Area neighborhood.

Recommendation: Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a residential permit parking zone in the Santana Area neighborhood. CEQA: Exempt, PP03-10-327. Council District 6.
(Transportation)

Ordinance No. 27010 passed for publication.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval to award a contract for the Fire Station No. 26 Upgrade Project.

Recommendation: Report on bids and award of contract for the Fire Station No. 26 Upgrade Project to the low bidder, D.L. Falk Construction, Inc., for the base bid and Add Alternate No. 1 in the amount of \$684,742, and approval of a contingency in the amount of \$102,711. CEQA: Exempt, PP03-09-305. Council District 7. (Public Works)

Approved.

9.2 Approval of actions related to the Westside Community Policing Center.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of fee title to the entire property located at 3075 Driftwood Drive, owned by Isek Wekselman Enterprises Inc.
- (b) Finding that the property needs to be taken, and is necessary, for the construction and location of the Public Safety Bond funded Westside Community Policing Center.
- (c) Directing the City Attorney to file an eminent domain action to acquire this real property interest.

CEQA: Exempt, PP03-07-244. Council Districts 1 and 6. SNI: Winchester. (Public Works/Police)

Dropped.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 5:17 P.M.

10.1 Approval of the revised Downtown San José Historic District Design Guidelines.

Recommendation: Approval of the revised Downtown San José Historic District Design Guidelines. CEQA: Exempt, PP03-01-010. Historic Landmarks Commission (7-0) and Planning Commission (7-0) recommend approval. Council District 3. (City Manager's Office/Redevelopment Agency)

Approved.

10.2 Approval of an ordinance amending certain time limitations with respect to redevelopment plans.

Recommendation: Approval of an ordinance amending certain time limitations with respect to redevelopment plans. (City Attorney's Office)
(Rules Committee referral 10/29/03)

Ordinance No. 27011 passed for publication.

The Redevelopment Agency Board portion of the meeting adjourned at 5:20 P.M.

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9539	SE/C of South 3rd St. and Margaret St.	3	Green Valley Corporation	74 units	Multi-Family

- Open Forum—
Stephen Hazel spoke on issues pertaining to the Grand Jury.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:02 P.M.)

11.1 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve, with standard and special conditions, a Conditional Use Permit to allow an addition to an existing public utility facility (San José Water Company) located on the northwest corner of San Tomas Expressway and Williams Road in the R-1-8 Residence Zoning District on a 17 acre site. The proposed addition consists of two settling ponds and three storage bins for temporary storage of excavated soil, asphalt, concrete, and base rock. (San José Water Company, Owner/Developer). CEQA: Exempt, CP03-009. Director of Planning, Building and Code Enforcement recommends upholding the decision of the Planning Commission to approve.

CP 03-009 - District 1

(Continued from 6/17/03 – Item 11.3 et al., and 10/21/03 – Item 11.3)

Continued to 11/18/03.

11.2 Public Hearing on street renaming of a segment of Guadalupe Parkway between O'Nel Drive and N. First Street to Charcot Avenue.

Recommendation: PUBLIC HEARING ON STREET RENAMING for the segment of Guadalupe Parkway between O'Nel Drive and N. First Street to Charcot Avenue. (City of San José, Applicant). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

ST 03-009 - District 4

Ordinance No. 71818 passed for publication.

11.3 Public Hearing on planned development rezoning of the property located at 1175 Hillsdale Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Hillsdale Avenue and Almaden Expressway (1175 Hillsdale Avenue), from CO Commercial Office and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District to allow (1) renovation of an existing two-story, 12, 250 square foot classroom building for private instruction and dormitory uses for approximately 75 students at an existing church, (2) replacement of an existing 176 space surface parking lot at the corner of Foxworthy Avenue and Almaden Expressway with a ball field and a 1,200 square foot modular building (no on-site outdoor lighting or PA system), and (3) addition of new landscaped areas and other minor site plan changes on a 10.4 acre site. (Calvary Chapel of San José, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-027 - District 9

(Continued from 9/16/03 – Item 11.5 and 10/21/03 – Item 11.4)

Ordinance No. 27014 passed for publication.

11 PUBLIC HEARINGS

11.4 Public hearing on planned development rezoning of the property located at 250 E. Virginia Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeast corner of East Virginia Street and South 5th Street (250 E. Virginia Street), from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 170 single-family attached residences with underground parking on a 3.9 gross acre site. (250 E. Virginia, LLC, Owner). CEQA: Mitigated Negative Declaration. SNI: Spartan/Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-022- District 3

(Continued from 10/21/03 – Item 11.8)

Ordinance No. 27012 passed for publication.

Memorandum from Council Member Chavez, dated November 4, 2003, recommending the adoption of the Planning Commission and Staff recommendation with the following direction to staff: (1) Pursue construction of a signal at 6th and Virginia that allows conversion of both 6th Street between Virginia and Martha and Virginia between 6th and 7th Streets. (2) Explore funding options for the modification of the signal at 7th and Virginia through: Funds derived from Sale of a portion of the 6th Street right-of-way to the project (narrowing of the street is currently proposed in the project design). (3) Work with the community to identify additional funds for 7th and Virginia (if necessary) and complete the construction of the signal at 7th and Martha Streets: Funds allocated by the JSM project for the Seventh and Martha signal, Funds derived from future development in the area., was approved.

11.5 Public Hearing on planned development rezoning of the property located at 671 S. 11th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the west side of South 11th Street, approximately 140 feet north of Margaret Street (671 S. 11th Street), from R-M Residential District to A(PD) Planned Development Zoning District, to allow demolition of an existing historic single family residence and construction of two single-family attached units on a 0.14 gross acre site. (Raymond Ruiz, Owner). CEQA: Exempt. SNI: University. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC 00-115 - District 3

Ordinance No. 27013 passed for publication.

11 PUBLIC HEARINGS

11.6 Public Hearing on planned development rezoning of the property located at Delmas Avenue between Santa Clara and San Fernando Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at both sides of Delmas Avenue between Santa Clara and San Fernando Streets, from CN Commercial District, LI Light Industrial, and HI Heavy Industrial to A(PD) Planned Development Zoning District, to allow a mixed use project consisting of up to 1,009,100 square feet of office/commercial/retail uses and 325 multi-family attached residences on a 8.93 gross acre site. (SJW Land Company, Owner; Joe Ernst, Developer). CEQA: Resolution to be adopted. SNI: Delmas Park.
PDC 02-046 - District 3

Dropped.

11.7 Public Hearing on a modification of the Edenvale Area Development Policy.

Recommendation: PUBLIC HEARING on a modification of the Edenvale Area Development Policy to include the proposed future economic development of the underutilized IBM site with up to 222,673 square feet of commercial uses on a 18.75 gross acre site, located at the northeast corner of Poughkeepsie Road and Cottle Road (5600 Cottle Road). (International Business Machines Corp Ed Bunker, Owner; Lowes Home Improvement Warehouse, Inc., James Manion, Developer). CEQA: Resolution No. 69699, 70021, and addenda thereto. District 2

Resolution No. 71819 adopted. Disqualified: Williams.

11.8 Public Hearing on planned development rezoning of the property located at 5600 Cottle Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeast corner of Blossom Hill and Cottle Roads (5600 Cottle Road), from IP-Industrial Park Zoning District to IP (PD) Planned Development District, to allow approximately 222,673 square feet of commercial uses on a 18.75 gross acre site. The proposed development would be located in the northeast portion of IBM's/Hitachi's existing Cottle Road facility. The site is currently occupied by the vacant IBM/Hitachi Research Building 25 that is eligible for the *California Register of Historic Resources*. The proposed project would demolish IBM/Hitachi Research Building 25 and remove 156 ordinance-sized trees from the site. (Hitachi Global Storage Technology, Owner; Lowes Home Improvement Warehouse Inc., Developer). CEQA: Resolution to be adopted.

PDC 02-086 - District 2

Continued to 12/2/03.

- Open Forum
None.

- Adjournment
The Council of the City of San José adjourned at 8:00 P.M.